

1 LOUIS R. MILLER (State Bar No. 54141)  
smiller@millerbarondess.com  
2 JASON H. TOKORO (State Bar No. 252345)  
jtokoro@millerbarondess.com  
3 STEVEN G. WILLIAMSON (State Bar No. 343842)  
swilliamson@millerbarondess.com  
4 MILLER BARONDESS, LLP  
2121 Avenue of the Stars, Suite 2600  
5 Los Angeles, California 90067  
Telephone: (310) 552-4400  
6 Facsimile: (310) 552-8400

7 Attorneys for Defendant  
COUNTY OF LOS ANGELES

8  
9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11  
12 MAYA LAU,  
13 Plaintiff,  
14 v.  
15 COUNTY OF LOS ANGELES;  
ALEX VILLANUEVA; MARK  
16 LILLIENFELD; and TIM  
MURAKAMI,  
17 Defendants.

**CASE NO. 2:25-cv-04766 SPG (BFMx)**

**DEFENDANT COUNTY OF LOS  
ANGELES' NOTICE OF MOTION  
TO DISMISS PLAINTIFF MAYA  
LAU'S COMPLAINT FOR  
DAMAGES AND OTHER RELIEF**

*[Filed Concurrently with Memorandum of  
Points and Authorities; Declaration of  
Jason H. Tokoro; Request for Judicial  
Notice; and [Proposed] Order]*

Date: September 10, 2025

Time: 1:30 p.m.

Crtrm.: 5C - First Street Courthouse

Assigned to the Hon. Sherilyn Peace  
Garnett, Crtrm. 5C and Magistrate Judge  
Brianna Fuller Mircheff, Crtrm. 780

Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on September 10, 2025, at 1:30 p.m., or as  
3 soon thereafter as the matter may be heard before the Honorable Sherilyn Peace  
4 Garnett, United States District Judge, in Courtroom 5C of the First Street  
5 Courthouse, located at 350 West First Street, Los Angeles, California 90012,  
6 Defendant County of Los Angeles (the “County”), will, and hereby does, move for  
7 an order dismissing the Complaint for Damages and Other Relief (“Complaint”)  
8 filed by Plaintiff Maya Lau, pursuant to Rule 12(b)(6) on the ground that the  
9 Complaint fails to state a claim upon which relief can be granted.

10 Plaintiff brings two causes of action against the County: (1) a section 1983  
11 First Amendment retaliation claim based on *Monell*; and (2) a state-law Bane Act  
12 claim. Both claims fail as a matter of law.

13 To bring a section 1983 claim, a plaintiff must allege the “deprivation of a  
14 right secured by the Constitution and laws of the United States.” [\*Tsao v. Desert\*](#)  
15 [\*Palace, Inc.\*, 698 F.3d 1128, 1138 \(9th Cir. 2012\)](#). Plaintiff points only to the  
16 criminal investigation that did not result in any charges, arrest, or trial. Courts  
17 nationwide have held that a criminal investigation, without more, does not violate a  
18 person’s constitutional rights as a matter of law. *E.g.*, [\*Colson v. Grohman\*, 174 F.3d](#)  
19 [\*498, 513 \(5th Cir. 1999\)\*](#) (municipality not liable for First Amendment retaliation  
20 where police chief’s confidential investigation of plaintiff resulted in no arrest or  
21 charges, because “retaliatory criticisms, investigations, and false accusations that do  
22 not lead to some more tangible adverse action are not actionable under § 1983”).

23 To bring a Bane Act claim, Plaintiff similarly must allege the violation of a  
24 constitutional right that is caused by “threats, intimidation, or coercion.” [\*Shoyoye v.\*](#)  
25 [\*County of Los Angeles\*, 203 Cal. App. 4th 947, 956 \(2012\)](#). As discussed, there is no  
26 predicate constitutional violation. Plaintiff also does not allege any violation caused  
27 by “threats, intimidation, or coercion.” In addition, the California Government  
28 Code provides that the County is statutorily immune from Plaintiff’s Bane Act claim

1 in the first place.

2 Plaintiff's claims also fail because she has not pled a cognizable injury  
3 capable of redress. She indicates her claims seek to rectify harms being suffered by  
4 Los Angeles journalists, but she does not allege facts to show the Los Angeles  
5 County Sheriff's Department (the "Department") currently has any policy related to  
6 retaliatory investigations of journalists. Nor is Plaintiff a Los Angeles journalist.  
7 And Plaintiff's only alleged injury is a vague reference to "anxiety," which is  
8 insufficient to support a cognizable harm.

9 Lastly, to the extent this case is permitted to proceed, the County is the only  
10 proper defendant. Plaintiff alleges the Individual Defendants all acted within their  
11 official capacities as members of the Department, therefore they are redundant and  
12 unnecessary. *See, e.g., [Pierce v. San Mateo Cnty. Sheriff's Dep't](#), 232 Cal. App. 4th*  
13 *[995, 1018 \(2014\)](#).*

14 **LOCAL RULE 7-3 STATEMENT**

15 This Motion is made following a conference of counsel pursuant to Local  
16 Rule 7-3, which took place on July 17, 2025, at 9:00 a.m. via a Microsoft Teams  
17 video conference. On that conference, the parties thoroughly discussed the  
18 substance and potential resolution of the filed motion. Prior to that conference, on  
19 July 11, 2025, the County sent Plaintiff a written meet-and-confer letter outlining  
20 the County's position. (*See Declaration of Jason H. Tokoro at ¶¶ 4–5 & Ex. 3.*)

21 \* \* \*

22 This Motion is based on this Notice of Motion, the attached Memorandum of  
23 Points and Authorities, the Declaration of Jason H. Tokoro and exhibits thereto, the  
24 Request for Judicial Notice, the pleadings and papers on file in this action and any  
25 oral argument that may be presented when the Motion is heard.

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1 DATED: August 4, 2025

Respectfully Submitted,

2 MILLER BARONDESS, LLP

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4  
5 By: /s/ Jason H. Tokoro

6 JASON H. TOKORO

7 Attorneys for Defendant

8 COUNTY OF LOS ANGELES

MILLER BARONDESS, LLP

ATTORNEYS AT LAW

2121 AVENUE OF THE STARS, SUITE 2600 LOS ANGELES, CALIFORNIA 90067  
TEL: (310) 552-4400 FAX: (310) 552-8400